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4 Attorneys for Complainant
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7 BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE
8 DIVISION OF MEDICAL QUALITY
9 STATE OF CALIFORNIA
10

11 In the Matter of the Accusation
12 Against:

13 KAY K. OTA, M.D.
Certificate No. C-28264

14 Respondent.
15

No. D-2387

STIPULATION

16 IT IS HEREBY STIPULATED by and between the parties that
17 the following is true:

18 1. An accusation has been duly served upon respondent
19 Kay K. Ota, M.D., and he has filed a Notice of Defense.

20 2. Respondent has fully discussed with his counsel the
21 charges and allegations of violation of the California Business
22 and Professions Code alleged in the Accusation and has been fully
23 advised of his rights under the Administrative Procedure Act,
24 including his right to a formal hearing and an opportunity to
25 defend against the charges contained therein, reconsideration,
26 and appeal from any adverse decision which might be rendered
27 following said hearing.

1 3. Respondent knowingly and intelligently waives all
2 rights to a hearing, reconsideration and appeal, and any and all
3 other rights which may be accorded him pursuant to the Administra-
4 tive Procedure Act on the charges contained in the aforementioned
5 accusation.

6 4. Respondent admits that each and every allegation
7 contained in the accusation is true and correct and that cause
8 for discipline against respondent exists pursuant to sections
9 2361, 2399.5, 700 and 2391.5 of the Business and Professions Code.

10 5. The foregoing waiver and admissions are made for the
11 purposes of this stipulation only, and in the event this stipula-
12 tion is not accepted and adopted by the Division of Medical
13 Quality the admissions made herein shall be inadmissible in any
14 future proceeding between the parties.

15 6. It is stipulated and agreed that the Division of
16 Medical Quality may enter the following order:

17 Certificate No. C-28264 issued to respondent
18 Kay K. Ota, M.D., is revoked. However, the
19 revocation is stayed and respondent is placed
20 on probation for five (5) years upon the
21 following terms and conditions:

22 (1) As part of probation, respondent
23 is suspended from the practice of medicine
24 for 90 days beginning the effective date of
25 this decision.

26 (2) Within 60 days of the effective date
27 of this decision, respondent shall take and

1 pass an oral clinical examination in medical
2 therapeutics to be administered by the Division
3 or its designee. If respondent fails the ex-
4 amination, respondent must wait three months
5 between re-examinations, except that after three
6 failures respondent must wait one year to take
7 each re-examination thereafter. The Division
8 shall pay the cost of the first examination and
9 respondent shall pay the costs of any subsequent
10 examinations.

11 Respondent shall not engage in the prac-
12 tice of medicine until respondent has passed this
13 oral clinical examination and has been so notified
14 by the Division in writing.

15 (3) Respondent shall not prescribe, administer,
16 dispense, order to possess (except as prescribed,
17 administered or dispensed to respondent by an-
18 other person authorized by law to do so) con-
19 trolled substances as defined by the California
20 Uniform Controlled Substances Act except for those
21 drugs listed in Schedules IV and V of the Act.

22 (4) Within one year of the effective date of
23 this decision, respondent shall submit to the
24 Division for its prior approval, a program of
25 approved Category I, Continuing Medical Education,
26 related to medical therapeutic pharmacology. The
27 program shall consist of 50 hours per year for
28 the first three years of probation. This program

1 shall be in addition to the Continuing Education
2 requirements for relicensure.

3 (5) Respondent shall obey all federal, state
4 and local laws, and all rules governing the prac-
5 tice of medicine in California.

6 (6) Respondent shall submit quarterly declara-
7 tions under penalty of perjury on forms provided
8 by the Division, stating whether there has been
9 compliance with all the conditions of probation.

10 (7) Respondent shall comply with the Divi-
11 sion's probation surveillance program.

12 (8) Respondent shall appear in person for
13 interviews with the Division's medical consul-
14 tant upon request at various intervals and with
15 reasonable notice.

16 (9) In the event respondent should leave
17 California to reside or to practice outside the
18 State, respondent must notify in writing the
19 Division of the dates of departure and return.
20 Periods of residency or practice outside
21 California will not apply to the reduction of
22 this probationary period.

23 (10) If respondent violates probation in
24 any respect, the Division, after giving
25 respondent notice and the opportunity to be
26 heard, may set aside the stay order and impose
27 the revocation of the respondent's certificate.

(11) Upon successful completion of probation,
respondent's certificate shall be fully restored.


GEORGE DEUKMEJIAN, Attorney General

ALVIN J. KOROBKIN

Deputy Attorney General

DATED:

9-17-80



ALVIN J. KOROBKIN
Attorneys for Complainant

RAYMOND D. PYLE

Law Offices of Welebir & Brunick

DATED:

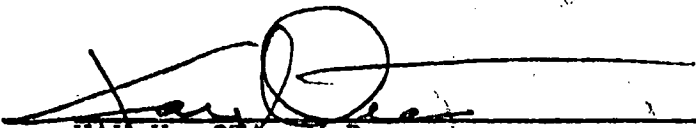
8-19-80


RAYMOND D. PYLE
Attorney for Respondent

I have read the above document and fully discussed it
with my counsel. I fully understand, accept and consent to all
of the provisions of the above stipulation and order.

DATED:

8-19-80


KAY K. OTA, M.D.
Respondent

The attached Stipulation for Settlement is hereby
adopted by the Division of Medical Quality, Board of Medical
Quality Assurance of the State of California as its Decision
in the above-entitled matter.

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IT IS SO ORDERED THIS 22nd day of October,

1980.

THIS DECISION SHALL BECOME EFFECTIVE ON November 24, 1980.

DIVISION OF MEDICAL QUALITY
Board of Medical Quality Assurance
State of California

REDACTED

1 GEORGE DEUKMEJIAN, Attorney General
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3 Deputy Attorney General
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5 San Diego, California 92101
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7 Attorneys for Complainant

8 BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE

9 DIVISION OF MEDICAL QUALITY

10 STATE OF CALIFORNIA

11 In the Matter of the Accusation
12 Against:

13 KAY K. OTA, M.D.
14 128 East G Street
15 Colton, California
16 Certificate No. C-28264

17 Respondent.

NO. D-2387

ACCUSATION

18 Robert G. Rowland alleges:

19 1. He is the Executive Director of the Board
20 of Medical Quality Assurance and makes this accusation
21 in his official capacity.

22 2. At all times mentioned herein respondent
23 Kay K. Ota, M.D., was licensed by the Board under Physician
24 and Surgeon Certificate No. C-28264. Said certificate is
25 currently in full force and effect.

26 3. Sections 2360 and 2361 of the Business and
27 Professions Code provide that a certificate may be suspended
or revoked if the holder is guilty of unprofessional conduct.

1 Section 2361(a) of the Business and Professions Code provides
2 that violating any provisions of the Medical Practice Act
3 constitutes unprofessional conduct.

4 4. Section 2399.5 of the Business and Professions
5 Code provides that prescribing, dispensing or furnishing
6 dangerous drugs as defined in Section 4211 without a good
7 faith prior examination and medical indication therefor
8 constitutes unprofessional conduct.

9 5. Respondent is guilty of unprofessional conduct
10 pursuant to Section 2399.5 of the Business and Professions
11 Code in that respondent has prescribed dangerous drugs as
12 defined in Section 4211 without a good faith prior examination
13 and medical indication therefor, as follows:

14	<u>Date</u>	<u>Drug</u>	<u>Patient</u>
15	1-24-78	30 Seconal 1.5 gr.	Nancy S [REDACTED]
16	2-15-78	30 Preludin 75 mg.	Nancy S [REDACTED]
17	4-4-78	30 Preludin 75 mg. 30 Seconal 100 mg.	Nancy S [REDACTED]
18			
19	5-4-78	30 Preludin 75 mg. 30 Seconal 100 mg.	Nancy S [REDACTED]
20			
21	5-4-78	30 Preludin 75 mg. 30 Seconal 100 mg.	Sharyn D [REDACTED]
22			
23	5-31-78	30 Biphetamine 7 1/2 mg.	Gloria M [REDACTED]
24	6-6-78	32 Preludin 75 mg.	Gail F [REDACTED]
25	6-9-78	30 Preludin 75 mg. 30 Seconal 100 mg.	Sharyn D [REDACTED]
26			
27	6-23-78	30 Preludin 75 mg. 30 Seconal 100 mg.	Nancy S [REDACTED]

	<u>Date</u>	<u>Drug</u>	<u>Patient</u>
1			
2	7-25-78	30 Preludin 75 mg. 30 Seconal 100 mg.	Sharyn D [REDACTED]
3			
4	8-1-78	30 Preludin 75 mg. 30 Seconal 100 mg.	Nancy S [REDACTED]
5			
6	9-18-78	30 Preludin 75 mg. 30 Seconal 100 mg.	Sharyn D [REDACTED]
7			

8 6. The drugs set forth in paragraph 5 hereinabove
9 are dangerous drugs under Section 4211 of the Business and
10 Professions Code and Schedule II and Schedule III controlled
11 substances under Division 10 of the Health and Safety Code.

12 7. Effective January 1, 1978, Section 700 of the
13 Business and Professions Code provides that repeated acts of
14 clearly excessive prescribing or administering of drugs as
15 determined by the local community of licensees is unprofess-
16 ional conduct for a licensed physician and surgeon:

17 8. Respondent is guilty of unprofessional conduct
18 pursuant to Section 700 of the Business and Professions Code in
19 that he has engaged in the clearly excessive prescribing or
20 administering of drugs, as follows:

21 The allegations contained in paragraph 5
22 hereinabove are incorporated by reference herein as
23 if fully set forth.

24 9. Section 2391.5 of the Business and Professions
25 Code provides that a violation of any federal statute, or
26 rule or regulation or any of the statutes or rules or
27 regulations of this state regulating narcotics, dangerous
28 drugs, or controlled substances, constitutes unprofessional

1 conduct.

2 10. Section 11154 of the Health and Safety Code
3 provides that except in the regular practice of his profession,
4 no person shall prescribe, administer, dispense, or furnish a
5 controlled substance to or for any person who is not under
6 his treatment for a pathology or condition.

7 11. Respondent is guilty of unprofessional conduct
8 pursuant to Section 2391.5 of the Business and Professions
9 Code in that he has violated Section 11154 of the Health and
10 Safety Code, a statute of this state regulating narcotics,
11 dangerous drugs or controlled substances, in that he is
12 guilty of prescribing a controlled substance to a person
13 not under his treatment for a pathology or condition, as
14 follows:

15 The allegations contained in paragraph 5,
16 hereinabove are incorporated by reference herein as
17 if fully set forth.

18 WHEREFORE, Complainant prays that the Division of
19 Medical Quality hold a hearing on the allegations contained
20 herein, and following said hearing, take such action as provided
21 by Sections 2361 and 2372 of the Business & Professions Code,
22 or taking such other and further action as may be proper.

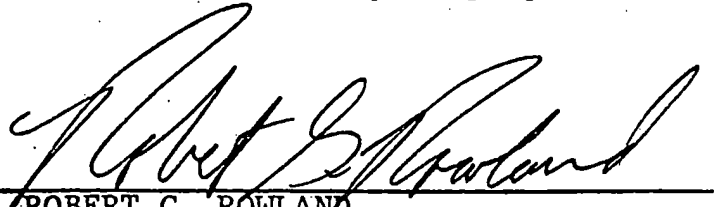
23 DATED: August 17, 1979

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ROBERT G. ROWLAND
Executive Director

Complainant